

Members

Rep. Matt Pierce, Chairperson  
Rep. Linda Lawson  
Rep. Ralph Foley  
Rep. Wes Culver  
Sen. Richard Bray  
Sen. Randall Head  
Sen. Greg Taylor  
Sen. Lindel Hume  
Judge John Marnocha  
Judge Lance D. Hamner  
Professor Craig Bradley  
Professor Stephen F. Smith  
Attorney General Greg Zoeller  
Commissioner Edwin Buss  
Steve Johnson  
Larry Landis  
Chief Justice Randall Shepard



## CRIMINAL CODE EVALUATION COMMISSION

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Commission

Authority: P.L. 182-2009(ss)

### MEETING MINUTES<sup>1</sup>

Meeting Date: December 16, 2010  
Meeting Time: 9:30 A.M.  
Meeting Place: State House, 200 W. Washington  
St., House Chambers  
Meeting City: Indianapolis, Indiana  
Meeting Number: 3

**Members Present:** Rep. Matt Pierce, Chairperson; Rep. Linda Lawson; Rep. Ralph Foley; Sen. Richard Bray; Sen. Randall Head; Sen. Greg Taylor; Sen. Lindel Hume; Judge John Marnocha; Judge Lance D. Hamner; Professor Stephen F. Smith; Attorney General Greg Zoeller (by designee); Commissioner Edwin Buss; Steve Johnson; Larry Landis; Chief Justice Randall Shepard (by designee).

**Members Absent:** Rep. Wes Culver; Professor Craig Bradley.

Representative Pierce called the meeting to order at 10:00 AM and introduced Marshall Clement from the Council of State Governments (CSG).

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<sup>1</sup> These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

### CSG Presentation

Mr. Clement made a PowerPoint presentation (Exhibit 1) to the Committee regarding the CSG's Justice Reinvestment in Indiana project. Mr. Clement explained the process that he and other CSG analysts used in analyzing data regarding crimes, courts, corrections and supervision of offenders in Indiana. After studying this data, with input from stakeholders across Indiana, Mr. Clement has developed policy options and estimated cost savings for Indiana if the policy options are adopted.

Senator Taylor asked Mr. Clement about what the legislature could do to help people with post-incarceration employment as a way to reduce recidivism. Mr. Clement noted that this is a very complex issue and that there is no clear research on what practices work to improve post-incarceration employment.

Senator Hume also asked Mr. Clement about helping ex-offenders find employment and asked if there are successful programs in other states. Mr. Clement said that states have tried a variety of approaches including expungement, prohibiting certain questions from being asked on employment applications, and removing licensure restrictions.

Senator Taylor also asked if the savings realized by the suggested policy changes would be able to be reinvested in a program to help increase employment of ex-offenders. He suggested using the funds for a tax credit. Mr. Clement suggested that other states have utilized tax credits and that this could be further investigated. Mr. Landis suggested that investing in substance abuse treatment and mental health programming would be the best place to reinvest savings.

Judge Trockman discussed a program in Vanderburgh County that helps ex-offenders with employment. He noted that 100% of program participants are employed and all of the participants make more than the minimum wage. Additionally, all of the participants take regular drug tests.

### Consideration of Bill Drafts

#### ***PD 4074***

Mr. K.C. Norwalk of the Legislative Services Agency described PD 4074 (Exhibit 2), which includes the suggested policy options presented by the CSG. For more information on this bill, please see the digest for Exhibit 2.

Carlette Duffy of the Indianapolis Concerned Clergy suggested that the Department of Correction (DOC) should require DOC contractors to employ ex-offenders. She also stated that she supports removing enhanced penalties for selling narcotics on or near a school after school hours. Finally, Ms. Duffy suggested that tax incentives should be provided to employers to employ ex-offenders.

Randy Koester of the DOC also suggested a correction to the bill draft regarding community transition programs. The Committee accepted the suggestion and agreed to change the bill draft to reflect the suggestion.

The Commission voted 15-0 in a roll call vote to recommend PD 4074 to the 2011 General Assembly.

#### ***PD 3993***

Rep. Foley described PD 3993 (Exhibit 3). This bill draft provides a list of all criminal offenses that are found outside of Title 35 of the Indiana Code, which is the criminal code. Rep. Foley stated that this list of statutes would be a useful tool for attorneys and that it

also shows legislators how many criminal offenses have been added outside of the criminal code over the years.

The Commission voted 15-0 in a roll call vote to recommend PD 3993 to the 2011 General Assembly.

Rep. Pierce adjourned the Commission at 11:30 AM.